

Assembly Bill No. 473

Passed the Assembly September 9, 2009

Chief Clerk of the Assembly

Passed the Senate September 3, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 42913 to the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 473, Blumenfeld. Solid waste: recycling: multifamily dwellings.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires a local jurisdiction to develop a source reduction and recycling element of an integrated waste management plan containing specified components.

This bill would require an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, on and after July 1, 2010, to arrange for recycling services that are appropriate and available for the multifamily dwelling, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste, except as provided.

The people of the State of California do enact as follows:

SECTION 1. Section 42913 is added to the Public Resources Code, to read:

42913. (a) On and after July 1, 2010, an owner of a multifamily dwelling shall arrange for recycling services that are appropriate and available for the multifamily dwelling, consistent with state or local law or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste.

(b) For the purposes of this section, “multifamily dwelling” means a residential facility that consists of five or more living units.

(c) An owner of a multifamily dwelling is not required to arrange for recycling services pursuant to this section if any of the following apply:

(1) (A) There is inadequate space for recycling containers, as certified by a solid waste enterprise that would otherwise serve the multifamily dwelling.

(B) The certification required pursuant to subparagraph (A) shall be valid for no more than five years after the date of certification and shall include all of the following:

(i) Address of the multifamily dwelling.

(ii) Name, address, telephone number, and e-mail address of the multifamily dwelling owner.

(iii) Name, address, telephone number, business license number, and e-mail address of the solid waste enterprise making the required certification.

(iv) Date of certification.

(v) Name and title of the person making the certification.

(C) This paragraph shall not apply to a multifamily dwelling for which a building permit is required on or after September 1, 1994.

(2) No solid waste enterprise providing recycling services serves the property.

(3) The cost of recycling services creates a financial hardship for the multifamily dwelling owner. For purposes of this paragraph, a multifamily dwelling owner can claim a financial hardship only if the recycling services result in a cost increase of 30 percent or more over the cost of providing solid waste services alone. A claim of financial hardship shall be valid for no more than five years after the date of the claim and shall include all of the following:

(A) Address of the multifamily dwelling.

(B) Name, address, telephone number, and e-mail address of the multifamily dwelling owner.

(C) Name, address, phone number, business license number, and e-mail address of the solid waste enterprise that provided the information on which the claim is made.

(D) Date of claim.

(E) Name and title of the person making the claim.

(d) Nothing in this section is intended to interfere with or prevent the authority of a local jurisdiction from requiring recycling services for multifamily dwellings.

Approved _____, 2009

Governor